

I think it is clear that we can do a lot better on judges. It is not too late for us to act on the remaining 36 pre-August nominees.

In the last three administrations in the first year all but one of the nominees submitted prior to the August recess were confirmed before the end of the year. In the last three administrations, looking at the first year, all of the nominees submitted before the August recess but one were confirmed before the end of the year. Admittedly, many of those nominees were confirmed in the latter part of the year.

It is not too late for us to achieve the same standard that was achieved in each of the last three Presidential administrations.

I see my friend from Arizona is here who has really been our leader in an effort to get judges confirmed. I want to make sure he has adequate time.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes twenty-two seconds.

Mr. MCCONNELL. I yield the remainder of my time to the Senator from Arizona.

The PRESIDENT pro tempore. The Senator from Arizona is recognized for 4 minutes 22 seconds.

Mr. KYL. Thank you, Mr. President. I will not take the entire time.

I marvel at how directly the rule of law in the United States is connected to this attack on the United States and how the judges play a crucial role in that, which simply brings home to me again the urgency of getting these judicial nominations confirmed so these judges can take their place on the bench.

I just finished a meeting with a group of victims' advocates who are preparing to deal with the problems that have resulted or will result from the terrible tragedy of September 11 and its aftermath. There will undoubtedly be a lot of trials. There will undoubtedly be a lot of people prosecuted, even if the primary perpetrators are not brought to justice in American courts but brought to justice in other ways. But there are cases pending right now all over this country against people who peripherally were involved, and questions about who the victims are and how those victims will be treated in court by judges are now beginning to bubble up, as they did at the time of the Oklahoma City bombing case and other tragedies.

It reminds me again of what distinguishes the United States from these other people. In the West generally, and in the United States specifically, the rule of law is everything to us. Ultimately, the judges are the arbiters of that law. We have an obligation, as the Senate, to act upon these nominations of the President, either to confirm them or to reject them, but to give the President our advice and consent. That is our constitutional responsibility. We abdicate that responsibility if we put it off either because we are too busy

doing other things or because, for political reasons, we do not want to confirm more of Bush's nominees than were confirmed in the Clinton administration, or some similar kind of political consideration. That would be wrong.

I hope my colleagues will help us bring these nominees to the floor and get them confirmed. At the conclusion of today, if I understand the comments of my colleague correctly, we will have reached a sum total of 12 confirmations for the entire year. That is woefully inadequate. There are 36 nominees pending whose nominations were made prior to the August recess. Surely we can act upon all of them.

The final point I will make is there has been some suggestion that in some cases paperwork is not done. Do not be deceived by this, my colleagues. We have a moving goalpost problem here. After all of the paperwork has been completed for weeks, new questions are submitted by colleagues, thereby creating the situation in which they can say: Well, not all the paperwork is in. There has to be an end to that at some point. The new questions have to be terminated, and it is time to have a vote.

So I urge my colleagues to help us get these nominations to the floor, find a time to vote on them, and get the votes done so we can fill the vacant court positions with these important judges.

Remember, there are 42 judges identified as emergency nominations. They have been emergencies from the beginning of the year. So we have to fulfill our responsibilities as the Senate and take action on these nominations. Until we are able to do that, it is our view that we should call a timeout on other certain portions of the Senate business so we have the ability to take up those nominations and bring them to the floor.

I hope my colleagues will permit us to take up those nominations and will defeat the motion to proceed on the appropriations bill. The ranking member of that committee, Senator MCCONNELL, has made the point that we can afford, at this point, to lay that aside temporarily to take up these judges and then return to that business.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, last Thursday I went into some detail outlining what has happened since we have taken control of the Senate. We have moved judges expeditiously. The average time for an appellate judge during the short time we have been in control of the Senate has been 100 days. Theirs was 345 days. It seems to me the questions they have raised are fallacy one, two, and, three, things they are making up.

The fact is, some Republicans seem to be in utter fear that Democrats will treat Republican nominees as unfairly as they treated Democratic nominees. The fact is, since July, when the Sen-

ate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. It is not pay-back time.

Democrats have no intention of perpetuating the shameful ways the Republican Senate treated President Clinton's nominees. We will consider nominations thoroughly and in a timely way. Maybe some Republican Senators believe the public will not know or care that they have taken the bill to fund U.S. foreign interests as their hostage.

The American people deserve to know what is at stake when the Senate is kept from acting on a foreign operations appropriations bill, especially when it is clearer than ever that our security is linked to events outside our borders.

This bill contains \$5 billion in aid to Israel, Egypt, and Jordan, allies that are crucial to short-term and long-term stability in the Middle East. There is \$175 million in this bill to strengthen surveillance and response to outbreaks of infectious disease overseas. These are the same programs that help give us early warning of some of the world's deadliest infections, now just an air flight or postal stamp away, including anthrax and other agents using bioterrorism. It is foolish and absurd to hold these funds hostage.

There is \$327 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders and their nuclear, biological, and chemical weapons facilities, as well as programs to get rid of landmines, a serious problem, for example, in Afghanistan where there are believed to be as many as 100 million landmines. There is \$450 million for steps to combat HIV/AIDS, the worst global health crisis in half a millennium. Each day this bill is being held up, another 17,000 people are infected with AIDS.

There is \$3.9 billion in this bill for military assistance aid to NATO allies and to countries of eastern Europe and central Asia. We are asking these nations for overflight and refueling rights for aircraft and other support for Air Force personnel who are risking their lives in the war on terrorism.

There are hundreds of millions of dollars to be used to help fight poverty, help provide basic education, health care, jobs, sanitation, housing, and other efforts in the poorest countries, steps that help eradicate the breeding grounds for terrorists.

For them to tell us we can do it later is pure poppycock. I think it is very clear that the whole effort is to make sure we have no further appropriations bills. I think the judges thing is only a diversion. Other things in the bill include \$856 million in export assistance to help U.S. firms claim markets for products abroad. Certainly that is needed now.

We need to move this legislation. I think it is as clear as the light of day what is happening here; that is, there